



# Montana State Prison Investigation Unveils "Disgusting" Staff E-mails

BY BEACON STAFF

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HELENA (AP) – The state Corrections Department says an internal investigation into Montana State Prison e-mail found "disgusting" behavior by employees — and may lead to the discipline of as many as 47 staffers.

The prison system said Monday it has notified the FBI and the Montana attorney general after finding e-mails with sexually explicit and racial humor, sexual remarks and nudity. One e-mail contained a picture of a naked child.

"This activity is totally unacceptable for Department of Corrections employees, and we take it extremely seriously," Corrections Director Mike Ferriter said in a release.

The prison launched a review of e-mail used by its staffers after an employee reported on Sept. 26 that he received an objectionable e-mail from a colleague.

The Department of Corrections announced the results of that monthlong investigation Monday, saying it was the second time it has had to deal with misuse of computers by its employees.



The agency said one employee already has resigned, and discipline of others could range from counseling to termination.

The investigation discovered that state e-mail had been used for "personal messages, chain letters, videos, jokes, and pictures or drawings."

The department said it finished its investigation Friday. The attorney general and the legislative auditor were alerted to the potential theft of state property for the misuse of state computing time.

Prison spokesman Bob Anez said the FBI was alerted to the picture of the naked child. However, the FBI and the Powell County sheriff declined to get involved, the agency said.

Warden Mike Mahoney said it was unclear if the image of the male infant could be considered pornographic. He added that it seemed unlikely that criminal charges would result from any of the e-mails.

Mahoney said he was most disturbed to learn that many of the e-mails originated with professional staff at the prison and management.

"I was pretty disappointed in that part of it. These are folks that I have higher expectations of in that regard," Mahoney said.

The warden said employees are allowed to use e-mail for limited, appropriate personal reasons, such as telling a spouse they have to work overtime and will be home late. In the wake of the investigation, the prison will re-evaluate its policies.

"I think we have to take a hard look at whether we allow any personal use of the system," he said.

Mahoney called personal use of e-mail like they discovered a "betrayal of public trust."

"I would like to apologize to the public on behalf of all staff for this incident," the warden said. "This is not characteristic of the work that goes on at the Montana State Prison on a day-to-day basis."



The prison system released minutes of an Oct. 2 staff meeting where the e-mails were discussed, and a memo recently sent to all staff.

During the meeting, Deputy Warden Ross Swanson called the e-mails "sickening" and the "most disgusting, disappointing thing" he had ever seen. He predicted the prison system would be "crucified" and become potential fodder for a "political fiasco" when the information was released to the public.

According to minutes of the Oct. 2 meeting, he said some supervisors were aware of the e-mails.

The prison system declined to specify which employees were involved, citing privacy rights. Mahoney said it could take a month to individually deal with each of the cases.

The governor's office, advised Friday of the investigation, said it was shocked to learn of the results. Spokesman Adam Pimley said the office was helping to "move rapidly to resolve this situation."

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## GRIEVANCE INFORMATION SHEET

**MSP PROCEDURE 3.3.3-** You may send an OSR to Billie Reich/Kris Studeny Grievance Office or to the library to request a copy.

**Grievable issue:** Any issue that currently does not have its own appeal process or administrative review and issues that are within the jurisdiction of the MSP or Contracted facilities. Such as: Medical issues, canteen issues, Disability related complaints (ADA), staff conduct, policy and procedures and property issues. (NOT A FULL LIST)

**Non-Grievable issues:** Actions by outside entities including sentence review board, parole board and community placements. Classification, disciplinary and any other subjected to its own appeal process.

**Procedures:** When filing a grievance please follow the steps below.

First talk to your unit staff. Most things can be resolved by talking to staff. If you do not feel comfortable with talking with staff or have not gotten a resolution then;

- 1) File an Informal Resolution *within 5 working days* of the complaint. Staff has *20 working days* to give you a response. If you receive the response and are not satisfied with the outcome you may file a formal grievance or if it has been over 20 working days and staff have not given you a response you may file a formal grievance.
- 2) Formal grievances need to be submitted *within 5 working days* of receiving the response or lack of response on the Informal Resolution. Grievance forms should be placed in the grievance box to ensure confidentiality. Grievance staff have *20 working days* to respond to your issue.
- 3) Once you receive your response from the Grievance staff you will be allowed to appeal the answer to the Warden or his designee. Provided your action requested is not granted. The Grievance staff will provide you with an appeal form that must be submitted *within 5 working days*. The Warden or designees have *20 working days* to respond to the appeal.
- 4) Once you receive your response from the Grievance staff you will be allowed to appeal the answer to the DOC director or his designee. Provided your action requested is not granted. The Grievance staff will provide you with an appeal form that must be submitted *within 5 working days*. The DOC director or designee has *20 working days* to respond to your appeal.
- 5) At any time in the process staff may ask you for an extension of time to investigate your claim further. However, if at any time staff fail to respond to your claim within the allotted time and have not asked for an extension, you may move on to the next step. The maximum time to respond to a grievance should not be longer than 180 days.
- 6) Staff Conduct and Policy Change Grievances are an exception to the rule. Your formal grievance will be forwarded to the Warden or Designee. Once an answer is served you will be allowed to file an appeal to the DOC Director exhausting your administrative remedies.



**Emergency Grievances:** A situation where your life or safety is in immediate danger.

Emergency Grievances not require that you file an informal resolution. Submit your "Emergency" claim to the staff member so they can ensure it is processed. However, if you feel the issue is confidential (such as PRLA) you may use the grievance lock box. If your issue is an actual emergency it will be processed as such. If it is deemed non-emergent grievance staff will return the form to you explaining that you must first file an informal resolution and the reason for this decision.

**Grievance Forms:**

Use only the grievance forms provided to you by staff. Remember to only submit 1 grievance form and 1 continuation sheet anything over this amount and your grievance may not be processed.

Please include a copy of your informal resolution when submitting a formal grievance, if you do not attach the informal resolution you risk the formal grievance not being processed.

**Action Requested/Remedies:**

If the action requested violates any of the following criteria the GC will return the grievance without processing:

a. Monies requested:

1) Must not be of punitive nature.

2) Cannot exceed the actual financial damages incurred. (substantiated inmate claims of property loss or damage by staff may be reimbursed by the GC or staff with authority to spend from the assigned budget).

b. An investigation request must be the action requested in regards to all staff conduct issues. Requests for termination, reprimand, and apology letters will not be accepted. Further employment action, if any, will be determined only by the administration, MSP and DOC policies.

Possible remedies include, but are not limited to:

a. Modification of institutional operational procedure or practice.

b. Replacement, restoration of, or restitution for personal property.

c. Assurance that deprivation of necessary care or other abuse should not recur.

**Abuse of the process:**

Abuse of the grievance procedure by an inmate may include, but is not limited to, the use of profanity, threats, abusive or demeaning language; submitting an excessive number of grievance forms; or, submitting multiple grievances in reference to the same issue(s).

If an inmate demonstrates a pattern of abuse of the inmate grievance program, the Warden/Facility Administrator or designee will notify the inmate, in writing, that such actions are creating an administrative burden at the expense of legitimate complaints. The abuse notice will contain specific reasons for the decision and notify the inmate that the GC will return future grievances that demonstrate a continued pattern of abuse. Abuse notices are not be subject to appeal.

**\*\*All information provided in this informational sheet is taken from MSP Procedure 3.3.3 to review the COMPLETE procedures please contact the Grievance office or Library services.**

